

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

PETER CHARLES MCMANUS,

Plaintiff,

V.

STATE OF ALABAMA, et al.,

Defendants.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

7:09-CV -01664-RBP-JEO

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on January 4, 2010, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. No objections were filed.¹

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

¹A copy of the magistrate's report and recommendation mailed to the plaintiff at the address on record was returned as undeliverable. The plaintiff has not notified the court of a change of address, and an inmate search on the Alabama Department of Corrections website does not list plaintiff as presently incarcerated at an ADOC facility.

DATED this 22nd day of January, 2010.

A handwritten signature in black ink, reading "Robert B. Propst". The signature is written in a cursive style with a large, looped "P" at the beginning.

ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE